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UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN JOSE DIVISION

UNITED STATES OF AMERICA,	)	No. CR 07-00434 RMW
	)	
Plaintiff,	)	STIPULATION AND [PROPOSED]
	)	ORDER CONTINUING THE
v.	)	SENTENCING HEARING FROM
	)	JANUARY 7, 2008 TO FEBRUARY 25,
ELMER OCHOA-ALVAREZ,	)	2008
	)	
Defendant.	)	
	)	
	)	

On October 15, 2007, defendant Elmer Ochoa-Alvarez appeared for a status conference and entered an open guilty plea before this Court. Assistant Federal Public Defender Cynthia Lie appeared on behalf of the defendant. Special Assistant United States Attorney Benjamin Kennedy appeared for the government. At that time, the Court set the matter for sentencing on January 7, 2008.

The basis for this extension is to allow the government additional time to consider the defense objections to the offense level calculation and to reconsider its position as to a settlement offer.

1 The parties hereby request that the Court enter this order continuing the sentencing hearing to  
2 February 25, 2008.

3  
4 DATED: December 29, 2007

SCOTT N. SCHOOLS  
United States Attorney

5  
6 /s/  
7 BENJAMIN T. KENNEDY  
8 Assistant United States Attorney

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10 /s/  
11 CYNTHIA LIE  
12 Assistant Federal Public Defender  
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**ORDER**

Based upon the stipulation of the parties, and for good cause shown, the Court HEREBY ORDERS that the sentencing of defendant Elmer Ochoa-Alvarez is continued to February 25, 2008.

IT IS SO ORDERED.

DATED:

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RONALD M. WHYTE  
UNITED STATES DISTRICT JUDGE